

REMARKS

Claims 1-25 are now pending in this application. The Office Action mailed February 23, 2006 (OA) has allowed Claims 1-10. Claims 12 and 14 are objected to, but would be allowable if rewritten in independent form. Claims 11, 13, and 15-25 are rejected. Claims 1, 5, 9, 10, and 25 were also objected to. The drawings were further objected to. Claims 1, 5, 9, 10, 11, 13, 15, and 25 are now amended in response to the Office Action. No new matter has been added. Claims 12 and 18 are now canceled. It is respectfully submitted that each of the present claims find basis and support in the application as filed. For the reasons discussed in detail below, Applicants submit that the pending claims are patentable over the art of record and respectfully request that the Examiner pass this application to issue.

Objection to Drawings

The drawings are objected because the OA states that Figure 5A illustrates only that which is old, so the legend of Figure 5A should be designated as prior art. An annotated sheet and a replacement sheet are submitted with the response.

Objection to Claims

Claims 1, 5, 9, 10, 13, 15, and 25 are objected to for various informalities. Specifically, Claims 1, 5, 9, 10, and 25 are objected to, because the OA indicates that acronyms MPLS, LSP, EXP, RSVP, LDP and RSVP RESV should be spelled out. Claims 1, 5, 9, 10, and 25 are amended to spell out the acronyms. Support is found through out the specification. Applicant notes, however, that RESV is not an acronym, and is therefore not spelled out. Support is found in the specification at pg. 5, lines 23-25.

The OA also indicates that an extra period appears at the end of Claim 9. Claim 9 is corrected.

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The OA further indicates that the word “is” should be removed from Claim 13. Claim 13 is corrected. Support is found in the specification at pg 5, lines 25-29 and pg. 6, lines 6-8.

The OA additionally indicates that the acronym MPLS in clause (c) of Claim 15 should be EMPLS. Claim 15 is corrected.

Rejection of Claims Under 35 U.S.C. § 112

The OA rejected Claims 15-25 under 35 U.S.C. §112, second paragraph as being indefinite. Specifically, the OA indicates that independent Claim 15 lacks antecedent basis for the term “the enhanced Multi-Protocol Label Switching (MPLS) network.” Claim 15 is amended to “an enhanced . . .”

The OA also rejects independent Claim 25 for reciting a use without any active positive steps. Claim 25 is directed to a method and includes means-plus-function language. Method claims that are directed to steps disclosed in the specification are generally written as “steps for” rather than “means for.” (See e.g., MPEP 2181.) Claim 25 is amended to replace “means for” with “steps for” in the appropriate places.

Rejection of Claims Under 35 U.S.C. § 102

The OA rejected Claims 11 and 13 under 35 U.S.C. §102(e) as being anticipated by U.S. patent No. 6,665,273 issued to Goguen et al. (“Goguen”). Goguen is directed to determining an actual traffic flow within a traffic engineering tunnel of an MPLS system and dynamically adjusting a bandwidth to reflect the actual traffic flow. Goguen does not disclose or suggest an enhanced MPLS. Claim 11 is amended to include the limitations of allowable Claim 12 that are directed to enhanced MPLS. Dependent Claim 13 is allowable for at least the same reason as its corresponding independent Claim 11. Accordingly, the rejection of Claims 11 and 13 under 35 U.S.C. §102(e) should be withdrawn.

Rejection of Claims Under 35 U.S.C. § 103

The OA rejected Claims 15-17, 20-22, and 24 under 35 U.S.C. §103(a) as being unpatentable over Gogen in view of U.S. patent publication No. 2002/0080794 issued to Reeves et al (“Reeves”). The OA argues that Goguen discloses all of the limitations of independent Claim 15 except a label according to a forwarding equivalence class (FEC) that corresponds to the label, wherein the FEC is based on a kind of data included with each packet. Instead, the OA indicates that this limitation is disclosed by Reeves. Reeves is directed to a method of timing an attempt to establish a connection path between a first and second node. Claim 15 is amended to include the limitations of allowable dependent Claim 18. Dependent Claims 16, 17, 20-22, and 24 are allowable for at least the same reason as its corresponding independent Claim 15. Accordingly, the rejection of Claims 15-17, 20-22, and 24 under 35 U.S.C. §103(a) should be withdrawn.

CONCLUSION

By the foregoing explanations, Applicants believe that this response has responded fully to all of the concerns expressed in the Office Action, and believes that it has placed each of the pending claims in condition for immediate allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. Should any further aspects of the application remain unresolved, the Examiner is invited to telephone applicant's attorney at the number listed below.

Dated: May 22, 2006

Respectfully submitted,

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